

REMARKS

Applicants respectfully point out that the Office Action Summary in the outstanding Office Action is incorrect. Claims 1-5 are not currently pending. These claims were canceled in the Preliminary Amendment filed January 20, 2004, in which claims 6-37 were added. Accordingly, claims 6-37 are currently pending. An acknowledgement of the same in the next Office Action is respectfully requested.

The Examiner is requiring the election of a single disclosed species of the following: Any one species or one set of figures of the same species in Figures 1-19.

Applicants have elected the species pertaining to Figures 3-13. Applicants traverse the election requirement on the following grounds.

Applicants make no statement regarding the patentable distinctness of the species, but note that for restriction to be proper there must be a patentable difference between the species, as claimed. M.P.E.P. § 808.01(a). The Examiner, however, merely makes the conclusory statement that no claims are generic to all figures. The Examiner has not discussed or submitted any reasoning or evidence whatsoever that addresses the patentable distinctness of any species in the claims.

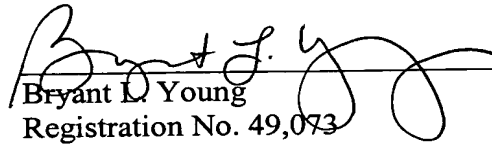
Applicants further assert that the pending claims relate to a ceramic heater (claims 6-20 and 22-36) and a semiconductor producing/examining device comprising a ceramic heater (claims 21 and 37). Therefore, a search of the claimed inventions having the elected species would necessarily include the non-elected species. As such, it would not be a burden for the Examiner to search all species.

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Accordingly, Applicants submit that the election of species requirement is improper and that all species should be examined in the present application. Therefore, the withdrawal of the Election of Species requirement is respectfully requested.

Respectfully submitted,

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